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HIGH COURT OF CHHATTISGARH: BILASPUR

Writ Petition(c) No. 3343 of 2007

Petitioner

Satvant Singh Son of Late Bahadur Singh, aged about 55 years, Resident of Camp-2, Chatai Quarter, Near Gurudwara, Police Station Chhaoni, Tahsil and District Durg (C.G.). Personal Number 139330, Post Welder, Department Tand H.N.-1 Bhilai Steel Plant Bhilai, District Durg (C.G.)

Versus

Respondents

1. Smt. Amrika Bai Wife of Shri Satvant Singh, aged about 45 years;

2. Jaspal Singh Son of Shri Satvant Singh, aged about 16 years, Minor, through Mother Natural Guardian i.e. respondent No.1;

Both are residents of Camp-2, Chatai Quarter, Near Gurudwara, Police Station Chhaoni, Tahsil and District Durg (C.G.)

(Writ Petition under Article 227 of the Constitution of India)

SB: Hon'ble Mr. Justice Satish K. Agnihotri

Present: Shri Uttam Pandey, counsel for the petitioner.

ORAL ORDER
(Passed on 19th June, 2007)

Learned counsel appearing for the petitioner submits that the petitioner was never married to the respondent No.1. The Third Additional Principal Judge Family Court, Durg vide order dated 19.4.2007 has wrongly directed the petitioner to pay the sum of Rs.2000/- per month as interim maintenance in a petition under Section 125 of the Criminal Procedure Code without examining the facts as to whether the respondent No.1 was wife of the petitioner or not.

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(2) In view of the above, disputed question of the facts are involved in the matter which cannot be decided in this petition under Article 227 of the Constitution of India. The petitioner can establish his case by producing evidence before the Family Court, where the matter is pending for consideration.

(3) The grant of Rs.2000/- as an interim maintenance is not excessive as, admittedly, the salary of the petitioner is Rs.8,000/- per month.

(4) In the facts and circumstances of the case, the Court below is directed to consider the matter expeditiously and pass the final order after having examined the evidences and facts and also after hearing the parties, preferably within a period of 3 months.

(5) The petition is accordingly disposed of.

Sd/-
Satish K. Agnihotri
Judge

Karuna